



Express Mail No.: **EV 654 845 815 US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines *et al.*

Confirmation No.: 7619

Serial No.: 10/520,140

Art Unit: 1647

Filed: January 3, 2005

Examiner: WOODWARD, Cherie Michelle

For: **TISSUE PROTECTIVE CYTOKINES FOR THE
PROTECTION, RESTORATION, AND
ENHANCEMENT TO RESPONSE CELLS**

Attorney Docket No: 10165-037-999
(Formerly: KW00-2B02-US)

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56 AND § 1.97**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the United States Patent and Trademark Office (“USPTO”) of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby invite the Examiner’s attention to references B04, B07 and C109-C117 listed on the attached form entitled “List of References Cited by Applicant.” Legible copies of references C109-C117 are submitted concurrently herewith. Copies of reference B04 and B07 were previously submitted with the Information Disclosure Statement of September 28, 2007.

Pursuant to 37 C.F.R. § 1.98(a)(3)(i), a concise explanation of the relevance of non-English documents (reference B04 and B07) is provided herewith. The relevance of reference B04, WO 97/18318 is set forth in the abstract of B04 as follows:

A method for elevating the gene introduction efficiency into target cells by a retrovirus which comprises infecting the target cells with the retrovirus in the presence of a mixture of an effective amount of a functional substance having a retrovirus-binding site with an effective amount of another functional substance having a target cell-binding site, or in the presence of an effective amount of a

functional substance having both of these binding sites in a single molecule. The functional substances are optionally immobilized on beads, etc. This method is usable in, for example, gene therapy.

The relevance of reference B07 is set forth in the English language abstract which is enclosed with reference B07, which states that:

The invention relates to a method for the treatment of cerebral ischaemia and to an agent for the treatment of cerebral ischaemia, notably in humans, of the kind seen, for example, in stroke patients. Surprisingly it was found that the peripheral administration of erythropoietin to ischaemic cerebral tissue has a marked protective effect. Erythropoietin dramatically reduces the area of permanently damaged cerebral tissue, notably in the penumbra, in comparison to results obtained with conventional measures without administration of erythropoietin.

Identification of the listed references is not meant to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

This Supplemental Information Disclosure Statement is filed under 37 C.F.R. § 1.97(a)(4) before the mailing date of the first Office Action after the filing of a Request for continued Examination under 37 C.F.R. § 1.114. Thus, no fee is believed due.

However, should any fee be due in connection with this Supplemental Information Disclosure Statement, the Commissioner is hereby authorized to charge the required amount to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed for accounting purposes.

*by: Laura A. Coruzzi
Reg. No. 52,413*

Respectfully submitted,

Laura A. Coruzzi

30,742

(Reg. No.)

Laura A. Coruzzi

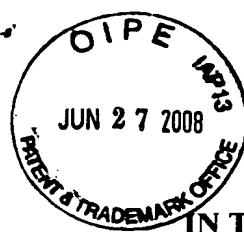
JONES DAY

222 East 41st Street

New York, New York 10017-6702

(212) 326-3939

Date: June 27, 2008



Express Mail No.: **EV 654 845 815 US**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines *et al.*

Confirmation No.: 7619

Serial No.: 10/520,140

Art Unit: 1647

Filed: January 3, 2005

Examiner: WOODWARD, Cherie Michelle

For: **TISSUE PROTECTIVE CYTOKINES FOR THE
PROTECTION, RESTORATION, AND
ENHANCEMENT TO RESPONSE CELLS**

Attorney Docket No: 10165-037-999
(Formerly: KW00-2B02-US)

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56 AND § 1.97**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the United States Patent and Trademark Office (“USPTO”) of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby invite the Examiner’s attention to references B04, B07 and C109-C117 listed on the attached form entitled “List of References Cited by Applicant.” Legible copies of references C109-C117 are submitted concurrently herewith. Copies of reference B04 and B07 were previously submitted with the Information Disclosure Statement of September 28, 2007.

Pursuant to 37 C.F.R. § 1.98(a)(3)(i), a concise explanation of the relevance of non-English documents (reference B04 and B07) is provided herewith. The relevance of reference B04, WO 97/18318 is set forth in the abstract of B04 as follows:

A method for elevating the gene introduction efficiency into target cells by a retrovirus which comprises infecting the target cells with the retrovirus in the presence of a mixture of an effective amount of a functional substance having a retrovirus-binding site with an effective amount of another functional substance having a target cell-binding site, or in the presence of an effective amount of a

functional substance having both of these binding sites in a single molecule. The functional substances are optionally immobilized on beads, etc. This method is usable in, for example, gene therapy.

The relevance of reference B07 is set forth in the English language abstract which is enclosed with reference B07, which states that:

The invention relates to a method for the treatment of cerebral ischaemia and to an agent for the treatment of cerebral ischaemia, notably in humans, of the kind seen, for example, in stroke patients. Surprisingly it was found that the peripheral administration of erythropoietin to ischaemic cerebral tissue has a marked protective effect. Erythropoietin dramatically reduces the area of permanently damaged cerebral tissue, notably in the penumbra, in comparison to results obtained with conventional measures without administration of erythropoietin.

Identification of the listed references is not meant to be construed as an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

This Supplemental Information Disclosure Statement is filed under 37 C.F.R. § 1.97(a)(4) before the mailing date of the first Office Action after the filing of a Request for continued Examination under 37 C.F.R. § 1.114. Thus, no fee is believed due.

However, should any fee be due in connection with this Supplemental Information Disclosure Statement, the Commissioner is hereby authorized to charge the required amount to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed for accounting purposes.

*by: Sebastian Kurth &
Reg. No. 52,413*

Respectfully submitted,

Laura A. Coruzzi

Date: June 27, 2008

30,742

(Reg. No.)

Laura A. Coruzzi

JONES DAY

222 East 41st Street

New York, New York 10017-6702

(212) 326-3939